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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *30 April 2009*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-24* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-24* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
         1.☐ Certified copies of the priority documents have been received.
         2.☐ Certified copies of the priority documents have been received in Application No. _____.
         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's Amendment filed 30 April 2009 is acknowledged.

2. Claims 1-24 are pending in the present application.

3. This action is made FINAL.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

> 1.   Determining the scope and contents of the prior art.
> 2.   Ascertaining the differences between the prior art and the claims at issue.
> 3.   Resolving the level of ordinary skill in the pertinent art.
> 4.   Considering objective evidence present in the application indicating obviousness
> or nonobviousness.

This application currently names joint inventors. In considering patentability of the
claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various
claims was commonly owned at the time any inventions covered therein were made absent any
evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out
the inventor and invention dates of each claim that was not commonly owned at the time a later
invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)
and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5.   Claims 1-14 and 22-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Urien (US 7130910 B2) in view of Maillard et al. (US 20020129249

A1).

        Consider claim 1. Urien discloses a protocol for adapting the degree of

interactivity between a participant equipment item and a reciprocal participant

equipment item of a set of participant equipment items, when this participant equipment

item and this reciprocal participant equipment item are subjected to an interactive

dialogue, wherein it consists at least: in writing, into said participant equipment item, a

list of reciprocal participant equipment identifiers (column 9 lines 46-63); in writing, into

said participant equipment item, at least one association between an equipment

identifier and a behavior identifier and, in order to execute this interactive dialogue,

when this participant equipment item and at least one reciprocal participant equipment

item are in each other's presence (column 6 lines 25-52); in carrying out a procedure of

authentication between said participant equipment item and said reciprocal participant

equipment item, and in searching for the identifier of the authenticated reciprocal

participant equipment item in said list of identifiers; in reading said associated behavior

identifier; in applying, at the participant equipment item, a behavior relative to the

authenticated reciprocal participant equipment item, this behavior being selected as a

function of the result of the authentication procedure and associated with the behavior

identifier and with the identifier of the reciprocal participant equipment item (column 5

line 57 – column 6 line 5). However, Urien fails to disclose a list of behavior identifiers.

Maillard et al. discloses a smartcard for use with a receiver of encrypted broadcast

signals, and receiver comprising a list of behavior identifiers, said behaviors being

relevant in said interactive dialogue (paragraph 0053).

Therefore, it would have been obvious for a person of ordinary skill in the art at

the time the invention was made to incorporate a smartcard for use with a receiver of

encrypted broadcast signals, and receiver comprising a list of behavior identifiers, said

behaviors being relevant in said interactive dialogue as taught by Maillard et al. with a

protocol for adapting the degree of interactivity between a participant equipment item

and a reciprocal participant equipment item of a set of participant equipment items,

when this participant equipment item and this reciprocal participant equipment item are

subjected to an interactive dialogue, wherein it consists at least: in writing, into said

participant equipment item, a list of reciprocal participant equipment identifiers; in

writing, into said participant equipment item, at least one association between an

equipment identifier and a behavior identifier and, in order to execute this interactive

dialogue, when this participant equipment item and at least one reciprocal participant

equipment item are in each other's presence; in carrying out a procedure of

authentication between said participant equipment item and said reciprocal participant

equipment item, and in searching for the identifier of the authenticated reciprocal

participant equipment item in said list of identifiers; in reading said associated behavior

identifier; in applying, at the participant equipment item, a behavior relative to the

authenticated reciprocal participant equipment item, this behavior being selected as a

function of the result of the authentication procedure and associated with the behavior

identifier and with the identifier of the reciprocal participant equipment item as taught by

Urien for the purpose of smartcard applications.

Consider claim 2, as applied to claim 1. Urien, as modified by Maillard et al.,

discloses a protocol, wherein, in the event of a negative response to the step of

searching for the identifier of the authenticated reciprocal participant equipment item in

the list of identifiers, said protocol consists in calling and applying a default behavior

procedure that is selected as a function of the result of said authentication procedure

(Maillard et al., paragraph 0106).

Consider claim 3, as applied to claim 1. Urien, as modified by Maillard et al.,

discloses a protocol, wherein said procedure of authentication between the participant

equipment item and the reciprocal participant equipment item is a procedure at more

than one authentication level (Maillard et al., paragraphs 0233 and 0292).

Consider claim 4, as applied to claim 1. Urien, as modified by Maillard et al.,

discloses a protocol for reciprocally adapting the interactivity between a participant

equipment item and a reciprocal participant equipment item of a set of participant

equipment items, when this participant equipment item and this reciprocal participant

equipment item are subjected to an interactive dialogue, wherein it consists: a) in

writing, into each participant equipment item and into each reciprocal participant

equipment item, respectively, a list of identifiers of reciprocal participant equipment

items and participant equipment items, respectively; b) in writing, into each participant

equipment item and into each reciprocal participant equipment item, respectively, a list

of behavior identifiers, said behaviors being defined in said interactive dialogue; c) in

writing at least one association between an equipment identifier and a behavior

identifier into each participant equipment item and each reciprocal participant equipment

item, each participant equipment item and each reciprocal participant equipment item,

respectively, having at least one association between an identifier of reciprocal

participant equipment items and a behavior identifier, respectively between an identifier

of participant equipment items and a behavior identifier (Urien, column 11 lines 63-67);

and, in order to execute this interactive dialogue, when a participant equipment item and

a reciprocal participant equipment item are in each other's presence, d) in carrying out a

procedure of reciprocal authentication between said participant equipment item and said

reciprocal participant equipment item (Urien, column 12 lines 28-36); and e) in

searching for the identifier of the authenticated reciprocal participant equipment item

and of the authenticated participant equipment item, respectively, in said lists of

identifiers (Maillard et al., paragraph 0292); f) in reading at least said associated

behavior identifier in the participant equipment item and in the reciprocal participant

equipment item, respectively; g) in applying, independently, at the authenticated

participant equipment item and the authenticated reciprocal participant equipment item,

respectively, a behavior relative to the authenticated reciprocal participant equipment

item and the authenticated participant equipment item, respectively, this behavior being selected as a function of the result of the authentication procedure and associated with the behavior identifier and with the identifier of the reciprocal participant equipment item and with the behavior identifier, respectively, and with the identifier of the participant equipment item (Urien, column 12 lines 1-10).

Consider claim 5, as applied to claim 1. Urien, as modified by Maillard et al., discloses a protocol wherein said participant equipment item comprises, stored in a non-volatile memory, at least: a list of identifiers of reciprocal participant equipment items, one of the list elements of which designates the identifier of said reciprocal participant equipment item; a list of identifiers of the behaviors of said participant equipment item relative to a reciprocal participant equipment item, said list comprising at least one element forming a behavior reference of interactive dialogue acceptance, of interactive dialogue refusal or of interactive dialogue conditional acceptance; a list of associations between an equipment identifier and a behavior identifier, said list of associations allowing an element of the list of identifiers of reciprocal participant equipment items and an element of the list of behavior identifiers to be brought into correspondence with each other (Urien, column 12 line 52 – column 13 line 5).

Consider claim 6, as applied to claim 4. Urien, as modified by Maillard et al., discloses a protocol wherein said reciprocal participant equipment item comprises,

stored in a non-volatile memory, at least: a list of identifiers of participant equipment

items, one of the list elements of which designates the identifier of said reciprocal

participant equipment item; a list of identifiers of the behaviors of said reciprocal

participant equipment item relative to a participant equipment item, said list comprising

at least one element forming a behavior reference of interactive dialogue acceptance, of

interactive dialogue refusal or of interactive dialogue conditional acceptance; a list of

associations between an equipment identifier and a behavior identifier, said list of

associations allowing an element of the list of identifiers of participant equipment items

and an element of the list of behavior identifiers to be brought into correspondence with

each other (Maillard et al., paragraph 0292).

Consider claim 7, as applied to claim 1. Urien, as modified by Maillard et al.,

discloses a protocol wherein said participant equipment item is formed by a terminal,

provided with a microprocessor card reader, said reciprocal participant equipment item

being formed by a microprocessor card (Urien, column 3 lines 18-34).

Consider claim 8, as applied to claim 7. Urien, as modified by Maillard et al.,

discloses a protocol wherein said participant equipment item is formed by a terminal for

descrambling scrambled information, said scrambled information being transmitted in

point-to-multipoint mode from an emission center, access to this information being

controlled from access control messages containing the cryptogram of a control word

and access criteria that are transmitted periodically with the scrambled information, and

said reciprocal participant equipment item being formed by a dedicated microprocessor

card, serving as an access control module, comprising at least one security processor

and a secure, programmable, non-volatile memory comprising written access rights,

said written access rights being managed from messages for managing the access

rights transmitted with the scrambled information, said access to this information being

controlled by verifying the identity of at least one access control right that is written into

the card and of one of the access criteria, and by deciphering, in said reciprocal

participant equipment item of the cryptogram, the control word from an operating key, in

order to restore the control word, allowing the scrambled information to be descrambled

in said participant equipment item from this restored control word, in said participant

equipment item, said at least one element forming a behavior reference of interactive

dialogue acceptance is formed by a list of behaviors relative to reciprocal participant

equipment items that are authorized to initiate said interactive dialogue; said at least

one element forming a behavior reference of interactive dialogue refusal is formed by a

list of behaviors relative to reciprocal participant equipment items that are authorized to

initiate said interactive dialogue, from which the facility to initiate said interactive

dialogue has been withdrawn (Urien, column 13 lines 18-28).

Consider claim 9, as applied to claim 8. Urien, as modified by Maillard et al.,

discloses a protocol wherein, in said reciprocal participant equipment item, said at least

one element forming a behavior reference of interactive dialogue acceptance is formed

by a list of behaviors relative to participant equipment items that are authorized to initiate said interactive dialogue; said at least one element forming a behavior reference of interactive dialogue refusal is formed by a list of behaviors relative to participant equipment items that are authorized to initiate said interactive dialogue, from which the facility to initiate said interactive dialogue has been withdrawn (Maillard et al., paragraph 0106).

Consider claim 10, as applied to claim 5. Urien, as modified by Maillard et al., discloses a protocol wherein said at least one element forming a reference of interactive dialogue conditional acceptance is formed by a list, at least one of the elements of which is representative of a functional behavior of said reciprocal participant equipment item and of said participant equipment item, respectively (Maillard et al., paragraph 0106).

Consider claim 11, as applied to claim 5. Urien, as modified by Maillard et al., discloses a protocol wherein said at least one element forming a reference of interactive dialogue conditional acceptance is formed by a list (Maillard et al., paragraph 0106), at least one of the elements of which is representative of a personal behavior of the user of said reciprocal participant equipment item and of said participant equipment item, respectively (Urien, column 11 lines 63-67).

Consider claim 12, as applied to claim 8. Urien, as modified by Maillard et al.,
discloses a protocol wherein the steps of writing into each participant equipment item
and/or each reciprocal participant equipment item are implemented by transmitting
messages for managing access rights (Urien, column 2 lines 37-45).

Consider claim 13, as applied to claim 8. Urien, as modified by Maillard et al.,
discloses a protocol wherein, for an authentication procedure between a descrambling
terminal, serving as a participant equipment item, and a card, serving as a reciprocal
participant equipment item, comprising a strong authentication level, an intermediate
authentication level and a zero authentication level, said protocol consists, in
accordance with the achieved authentication level and as a function of the identity of
said reciprocal participant equipment terminal: for an achieved strong authentication
level, in authorizing an access mode by impulse buying; for an achieved intermediate
authentication level, corresponding to a strong authentication level that has not been
achieved, but to the displaying of a user code for the reciprocal participant equipment
that has been achieved, in authorizing the processing of all of the management
messages and of all of the access control messages apart from the access mode by
impulse buying; and for a zero authentication level, corresponding to a strong
authentication level that has not been achieved, and to the displaying of a user code for
the reciprocal participant equipment that has not been achieved, in authorizing the
processing of the individual management messages (Maillard et al., paragraph 0098).

Consider claim 14, as applied to claim 1. Urien, as modified by Maillard et al.,

discloses a protocol wherein, for a set of N equipment items connected in a network and

each capable of executing an interactive dialogue with another equipment item of this

set of equipment items, said protocol consists: in attributing, to one equipment item, the

role of participant equipment item for all of the transactions, by transmitting a query

message to another equipment item of said set of equipment items; in attributing, to this

other equipment item, for this transaction, the role of reciprocal participant equipment

item; in attributing, to said equipment item, the role of reciprocal participant for all other

transactions, separate from this transaction, on receipt, by means of said equipment

item, of a query message issuing from another equipment item that is separate from

said set of equipment items; in attributing, to said other, separate equipment item, the

role of participant equipment item for said other transaction; in applying said protocol

between any equipment items, any other equipment items, and any other equipment

items that are separate from said set of equipment items, to which the role of participant

equipment item and/or the role of reciprocal participant equipment item has been

attributed, which allows a suitable interactive dialogue to be executed between any

equipment items of this set of equipment items by means of pairs of equipment items, to

which the roles of participant and reciprocal participant, respectively, have been

attributed (Urien, column 8 lines 30-38).

Consider claim 22. Urien discloses computer equipment item comprising input/output means allowing messages to be transmitted and/or received in an interactive dialogue with another computer equipment item (Maillard et al., paragraph 0088), calculation means connected to said input/output means, a working random access memory and at least one programmable, non-volatile memory (Urien, column 3 lines 35-54), wherein said item comprises, written in the non-volatile memory, at least: a list of computer equipment item identifiers, accessible via said input/output means; a list of behavior identifiers defined in said interactive dialogue; at least one list of associations between an equipment identifier and a behavior identifier (Urien, column 8 lines 30-65 and Maillard et al., paragraph 53).

Consider claim 23, as applied to claim 22. Urien discloses computer equipment item comprising a security processor and means for authenticating any computer equipment item considered for executing an interactive dialogue with said computer equipment item (Urien, column 6 lines 6-16).

Consider claim 24, as applied to claim 22. Urien, as modified by Maillard et al., discloses a computer equipment item wherein said item comprises means for processing the following lists: a list of equipment identifiers, a list of behavior identifiers and a list of associations between an equipment identifier and a behavior identifier (Maillard et al. paragraph 0292 and Urien column 11 lines 63-67).

6.   Claims 15-16 and 18-21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Urien (US 7130910 B2) in view of Maillard et al. (US 20020129249

A1) and in further view of Alve et al. (US 20030196089 A1).

        Consider claim 15, as applied to claim 1. Urien, as modified by Maillard et al.,

discloses a protocol comprising means for processing the following lists: a list of

equipment identifiers, a list of behavior identifiers and a list of associations between an

equipment identifier and a behavior identifier. However, Urien, as modified by Maillard

et al., fails to disclose a protocol wherein a subset of participants are queried. Alve et al.

discloses a method for key distribution and network connectivity, wherein, for a set of N

equipment items connected in a network and each capable of executing an interactive

dialogue with another equipment item of this set of equipment items, said protocol

consists: in attributing, to one equipment item, the role of participant equipment item for

all of the transactions, by transmitting a query message to a plurality of other equipment

items, forming a subset of said set of equipment items; in attributing, to each of said

other equipment items to which said query message is addressed, for this transaction,

the role of reciprocal participant equipment item, relative to said participant equipment

item; in applying said protocol between this equipment item, to which the role of

participant equipment item has been attributed, and each of the other equipment items

of this subset of said set of equipment items, said protocol comprising, at said

participant equipment item: a procedure of authentication between said participant

equipment item and each of said other equipment items of this plurality of other

equipment items, to which the role of reciprocal participant has been attributed, and, as

a function of the result of each authentication procedure, a procedure for distinguishing

the behavior of said participant equipment item relative to each of said other equipment

items of this plurality of other equipment items, to which the role of reciprocal participant

equipment item has been attributed, and a procedure for determining the common

behavior of said participant equipment item relative to each of said other equipment

items of this plurality of other equipment items, to which the role of reciprocal participant

equipment item has been attributed, which allows said common behavior of any

equipment items of this set of equipment items to be applied relative to the other

equipment items of this plurality of other equipment items, forming a subset of said set

of equipment items (paragraph 0027).

Therefore, it would have been obvious for a person of ordinary skill in the art at

the time the invention was made to incorporate a method for key distribution and

network connectivity, wherein, for a set of N equipment items connected in a network

and each capable of executing an interactive dialogue with another equipment item of

this set of equipment items, said protocol consists: in attributing, to one equipment item,

the role of participant equipment item for all of the transactions, by transmitting a query

message to a plurality of other equipment items, forming a subset of said set of

equipment items; in attributing, to each of said other equipment items to which said

query message is addressed, for this transaction, the role of reciprocal participant

equipment item, relative to said participant equipment item; in applying said protocol

between this equipment item, to which the role of participant equipment item has been

attributed, and each of the other equipment items of this subset of said set of equipment

items, said protocol comprising, at said participant equipment item: a procedure of

authentication between said participant equipment item and each of said other

equipment items of this plurality of other equipment items, to which the role of reciprocal

participant has been attributed, and, as a function of the result of each authentication

procedure, a procedure for distinguishing the behavior of said participant equipment

item relative to each of said other equipment items of this plurality of other equipment

items, to which the role of reciprocal participant equipment item has been attributed,

and a procedure for determining the common behavior of said participant equipment

item relative to each of said other equipment items of this plurality of other equipment

items, to which the role of reciprocal participant equipment item has been attributed,

which allows said common behavior of any equipment items of this set of equipment

items to be applied relative to the other equipment items of this plurality of other

equipment items, forming a subset of said set of equipment items as taught by Alve et

al. with a protocol comprising means for processing the following lists: a list of

equipment identifiers, a list of behavior identifiers and a list of associations between an

equipment identifier and a behavior identifier as taught by Urien, as modified by Maillard

et al., for the purpose of query execution in smartcard technology.

        Consider claim 16, as applied to claim 15. Urien, as modified by Maillard et al.

and Alve et al., discloses a protocol wherein, for a behavior of said participant

equipment item relative to each of said other reciprocal participant equipment items,

formed by a list of elementary behaviors of this participant equipment item, said

procedure for determining the common behavior consists in calculating the list resulting

from the intersection of said lists of elementary behaviors (Maillard et al., paragraph

0053 and Urien column 5 lines 33-35).

Consider claim 18, as applied to claim 1. Urien, as modified by Maillard et al. and

Alve et al., discloses a protocol wherein, for a set of N equipment items connected in a

network and each capable of executing an interactive dialogue with another equipment

item of this set of equipment items, said protocol consists: in attributing, to one

equipment item, the role of participant equipment item for all of the transactions, by

transmitting a query message to a plurality of other equipment items, forming a subset

of said set of equipment items; in attributing, to each of said other equipment items to

which said query message is addressed, for this transaction, the role of reciprocal

participant equipment item, relative to said participant equipment item; in applying said

protocol between this equipment item, to which the role of participant equipment item

has been attributed, and each of the other equipment items of this subset of said set of

equipment items, to which the role of reciprocal participant equipment item has been

attributed, said protocol comprising, at said participant equipment item: a procedure of

authentication of each of said other equipment items, to which the role of reciprocal

participant equipment item has been attributed, and, as a function of the result of this

authentication procedure, each of said other equipment items, to which the role of

reciprocal participant equipment item has been attributed, being capable, individually, of

executing an interactive dialogue with said equipment item, to which the role of

participant equipment item has been attributed, a joint procedure of authentication of the

subset of the reciprocal participant equipment items relative to said participant

equipment item, and, as a function of the result of this joint authentication procedure,

the subset of said reciprocal participant equipment items being authenticated as a joint

reciprocal participant for the execution of said transaction, a joint procedure for

authorizing the subset of the reciprocal participant equipment items to execute the

interactive dialogue relative to said participant equipment item and, once the joint

authorization procedure has been achieved, a procedure for distinguishing the joint

behavior of said participant equipment item relative to the subset of the reciprocal

participant equipment items, to which the role of joint reciprocal participant has been

attributed, and, once the distinguishing procedure has been achieved, a procedure for

determining and applying the joint behavior of said participant equipment item relative to

said other equipment items, to which the role of joint reciprocal participant has been

attributed, which allows said joint behavior of any equipment items of this set of

equipment items to be applied relative to all of the plurality of equipment items, to which

the role of joint reciprocal participant has been attributed (Alve et al., paragraph 0023).

        Consider claim 19, as applied to claim 18. Urien, as modified by Maillard et al.

and Alve et al., discloses a protocol wherein said joint authentication procedure consists

in verifying to its true value the logical product of the logical values that are

representative of each reciprocal authentication procedure (Urien, claim 16).

Consider claim 20, as applied to claim 18. Urien, as modified by Maillard et al.

and Alve et al., discloses a protocol wherein said joint authorization procedure consists:

in establishing, from said list of identifiers of reciprocal participant equipment items,

written into said participant equipment item, a composed identifier formed by the

identifier of the reciprocal participant equipment items authorized to participate in said

transaction and approved as identifiers of reciprocal participant equipment items, for

which the joint authentication procedure has been verified to the true value, relative to

the participant equipment item (Alve et al., paragraph 0020).

Consider claim 21, as applied to claim 20. Urien, as modified by Maillard et al.

and Alve et al., discloses a protocol wherein said procedure for distinguishing the joint

behavior of said participant equipment item relative to the subset of the reciprocal

participant equipment items consists: in selecting the association between the

composed identifier and a behavior identifier in said participant equipment item; in

calling, from the composed identifier, the behaviors defined in the list of associations

(Maillard et al. paragraph 0053 and Urien column 5 lines 33-35).

7.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Urien

(US 7130910 B2) in view of Maillard et al. (US 20020129249 A1) in further view of Alve

et al. (US 20030196089 A1) and in further view of Arkin et al. (US 20020152262 A1).

         Consider claim 17, as applied to claim 15. Urien, as modified by Maillard et al.

and Alve et al., discloses a protocol comprising means for processing the following lists:

a list of equipment identifiers, a list of behavior identifiers and a list of associations

between an equipment identifier and a behavior identifier, wherein a subset of

participants are queried. However, Urien, as modified by Maillard et al. and Alve et al.,

fails to disclose calculating a list resulting from the union of lists of elementary

behaviors. Arkin et al. discloses a method for preventing the infringement of intellectual

property rights, wherein, for a behavior of said participant equipment item relative to

each of said other reciprocal participant equipment items, formed by a list of elementary

behaviors of this participant equipment item, said procedure for determining the

common behavior consists in calculating the list resulting from the union of said lists of

elementary behaviors (paragraphs 0015-0016).

         Therefore, it would have been obvious for a person of ordinary skill in the art at

the time the invention was made to incorporate a method for preventing the

infringement of intellectual property rights, wherein, for a behavior of said participant

equipment item relative to each of said other reciprocal participant equipment items,

formed by a list of elementary behaviors of this participant equipment item, said

procedure for determining the common behavior consists in calculating the list resulting

from the union of said lists of elementary behaviors as taught by Arkin et al. with a

protocol comprising means for processing the following lists: a list of equipment

identifiers, a list of behavior identifiers and a list of associations between an equipment

identifier and a behavior identifier, wherein a subset of participants are queried as

taught by Urien, as modified by Maillard et al. and Alve et al., for the purpose of

calculating behavior in smartcard technology.

Response to Arguments

8.   Applicant's arguments filed 30 April 2009 with respect to claims 1, 15-16, and 18-

21 have been considered but are not persuasive.

Applicant argues that Urien, as modified by Maillard et al., does not disclose writing, into

a memory of a participant computer equipment item, a list of reciprocal participant

computer equipment identifiers, as recited in claim 1, because it contains no disclosure

of a list of reciprocal participant computer equipment identifiers.

Examiner respectfully disagrees. Urien, as modified by Maillard et al., discloses a

system and method wherein a list of ID's that are respective of Smartcard components

(read as the Claimed participants) are written to a memory.

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[Maillard et al., paragraph 0053] In a tenth aspect, the
present invention provides a smartcard for use in a
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receiver/decoder as described above, said smartcard including a
memory containing a list of IDs of respective receiver/decoders
with which it may operate and indications as to whether the
smartcard may operate with each of said listed receiver/decoders
     [Maillard et al., paragraph 0054] In an eleventh aspect,
the present invention provide a combination of a
receiver/decoder as described above and a smartcard as described
above, said receiver/decoder further comprising means for
reading the ID of each receiver/decoder listed in the memory of
said smartcard and the indication associated therewith to
determine whether the smartcard may be used with the
receiver/decoder.
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Applicant argues that Urien, as modified by Maillard et al., does not disclose an

interactive dialogue between a participant computer and a reciprocal participant

computer equipment item.

Examiner respectfully disagrees. Urien, as modified by Maillard et al., discloses a hash

function wherein Entitlement Management Messages (EMMs) (read as participant)

correspond with Message Emitters (MEs) (read as reciprocal) for purposes of ranked

storage.

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 [Maillard et al., paragraph 0246] Storage of the EMMs takes
place according to the "hash" algorithm (otherwise known as the
"one-way hash function". This operates on a modulo approach, so
that successive ranks are filled before a higher number in the
rank is used, and the number of EMMs in each rank remains
roughly constant. The example is considered of there being 256
ranks. When the MG sends the ME an EMM with identiter (ID) 1,
the rank "1" is assigned to this EMM, and it takes the first
number 3332 in the rank 3330. The EMM with ID 2 is assigned the
rank "2", and so on, up to the rank 256. The EMM with ID 257 is
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assigned the rank "1" again (based on the modulo function), and
takes the second number in the first rank, and so on.

Applicant argues that Urien, as modified by Maillard et al., does not disclose an

association between a computer equipment identifier and a behavior identifier.

Examiner respectfully disagrees. Urien, as modified by Maillard et al., discloses a

system and method comprising a type identifier (read as behavior) and a unique

identifier of the Smartcard.

> [Maillard et al., paragraph 0114] Various specific types of
> EMM are used in putting the present invention into practice.
> Individual EMMs are dedicated to individual subscribers, and are
> typically used in the provision of Pay Per View services; these
> contain the group identifier and the position of the subscriber
> in that group. So-called "Group" subscription EMMs are dedicated
> to groups of, say, 256 individual users, and are typically used
> in the administration of some subscription services. This EMM
> has a group identifier and a subscribers' group bitmap. Audience
> EMMs are dedicated to entire audiences, and might for example be
> used by a particular operator to provide certain free services.
> An "audience" is the totality of subscribers having smartcards
> which bear the same Operator Identifier (OPI). Finally, a
> "unique" EMM is addressed to the unique identifier of the
> smartcard.
> [Maillard et al., paragraph 0115] The structure of a
> typical EMM is now described with reference to FIG. 3.
> Basically, the EMM, which is implemented as a series of digital
> data bits, comprises a header 3060, the EMM proper 3062, and a
> signature 3064. The header 3060 in turn comprises a type
> identifier 3066 to identify whether the type is individual,
> group, audience or some other type, a length identifier 3068
> which gives the length of the EMM, an optional address 3070 for
> the EMM, an operator identifier 3072 and a key identifier 3074.
> The EMM proper 3062 of course varies greatly according to its

type. Finally, the signature 3064, which is typically of 8 bytes
long, provides a number of checks against corruption of the
remaining data in the-EMM.

Applicant submits that the cited portion of Urien, as modified by Maillard et al., cannot

be equated to carrying out a procedure of authentication between said participant

equipment item and said reciprocal participant equipment item, and ... applying, at the

participant equipment item, a behavior relevant to the authenticated reciprocal

participant computer equipment item, this behavior being selected as a function of the

result of the authentication procedure and associated with behavior identifier and with

the identifier of the reciprocal participant equipment item.

Examiner respectfully disagrees. Urien, as modified by Maillard et al., discloses a

system and method wherein an authentication procedure dictates security and access

levels wherein agents in a terminal process multimedia requests that are initiated by a

Smartcard.

        [Urien, column 6 lines 6-16] In the preferred applications
of the invention, the critical data stream is made up of
security data that can be addressed to the aforementioned proxy
of the smart card in order to be processed there secretly. The
opaque data are made up of the multimedia data per se. These
data are processed by agents located in the terminal. However,
the authorization to receive opaque data and process them is
subordinate to the outcome of an authentication procedure
initiated by the security data in the smart card. Because of the
presence of the aforementioned filter, the reception of data by
the terminal remains under the direct control of the smart card.

Conclusion

9.   **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be faxed to (571) 273-8300 or mailed

to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

        Customer Service Window
        Randolph Building
        401 Dulany Street
        Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Mark Fearer whose telephone number is (571) 270-

1770. The Examiner can normally be reached on Monday-Thursday from 7:30am to

5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number

for the organization where this application or proceeding is assigned is (571) 273-

8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

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Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist/customer service whose telephone

number is (571) 272-2600.

Mark Fearer
/M.D.F./
July 28, 2009

/George C Neurauter, Jr./

Primary Examiner, Art Unit 2443